

RESOLUTION

AUTHORIZING THE SALE OF A PLENARY RETAIL DISTRIBUTION
LICENSE

WHEREAS, pursuant to *NJSA. 33:1-1 et seq.* and Chapter 52 of the Code of the Township of Bridgewater and the 2020 Federal Census results, the Township is authorized to issue a new Plenary Retail Distribution liquor licenses; and

WHEREAS, it is in the interests of the Township to permit the issuance of a Plenary Retail Distribution liquor license at this time.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey as follows:

1. The Township hereby determines that it will sell at public sale of a Plenary Retail Distribution License for the sale of alcoholic beverages, in accordance with the procedures set forth in *N.J.S.A. 33:1-19.3 et seq.*
2. The Qualified Purchasing Agent, Rose Witt shall publish a notice of the public sale and an invitation to bid in the official newspaper of the Township at least two times, the notices to be published at least one week apart, the second of which shall be published at least thirty (30) days prior to the date after which no further applications shall be accepted. Nothing herein shall preclude Linda Doyle, Township Clerk from publishing additional newspaper or alternative notices, provided the publication requirements set forth above are satisfied.
3. The following conditions shall apply to the award and issuance of each license:
 - a. The premises on which the licensee operates shall comply with all Township zoning regulations and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The minimum bid that shall be considered for the license shall be \$500,000.
 - b. Prospective bidders must be pre-qualified, and only the bids of qualified bidders will be opened.
 - c. To pre-qualify, a prospective bidder must submit the following to Linda Doyle, Township Clerk at the Township Municipal Building, 100 Commons Way, Bridgewater, New Jersey on or before **November 10, 2022 at 10:00 a.m.**
 - (i) A full and complete Division of Alcoholic Beverage Control Application form.
 - (ii) A separate certification of proof of compliance by the applicant that it meets any and all conditions or requirements contained in this resolution, including that he/she knows of no other reason why they would be disqualified from having an interest in a Retail Liquor License in the State of New Jersey under the standards set forth in the Alcoholic Beverage Control Act and the rules and regulations promulgated

thereunder.

- (iii) The remittance of a deposit in the amount of \$50,000, which is 10% of the minimum bid amount by certified check made payable to the “Township of Bridgewater”.
 - (iv) A separate sealed envelope containing the bid amount; the outside of which shall state “2022 Plenary Retail Distribution Liquor License Bid” and the name of the bidder.
- 4. On the 10th day of November, 2022 at 10:00 a.m., Rose Witt, Qualified Purchasing Agent shall publicly announce those prospective bidders who have pre-qualified for bidding in compliance with the Alcoholic Beverage Control Act, and the rules and regulations promulgated thereunder, Township ordinances, the conditions set forth in the published notices, and other applicable law. The pre-qualified bidder together with those who qualified shall be posted on the Township website.
 - 5. The Qualified Purchasing Agent, Rose Witt shall open the bids of the pre-qualified bidders at on November 22, 2022 at 10:00 a.m. (which shall, at least, be five days after the public announcement of those applicants who meet the qualifications for bidding) The successful bidder together with those who qualified shall be posted on the Township website and on the purchasing portal bridgewaternj.gov.
 - 6. The Township Council, by written resolution, adopted at a public meeting on December 5, 2022 or shortly thereafter, shall award the license to the highest bidder, provided the Township does not reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following:

The Township reserves the right to reject all bids.

- a. Payment of the balance of the bid for the license by certified check made payable to "Township of Bridgewater" within five days of the date of the resolution of the Township Council awarding the license. Failure to make timely payment of the balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the next highest qualified bidder or take no further action.
- b. Payment by the successful bidder of the New Jersey State License Application Fee for each license.
- c. Payment of the Annual Municipal Retail License Fee for the license.
- d. Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license.
- e. Receipt of favorable State and/or Federal criminal background checks for the prospective licensee.

- f. Compliance with publication, hearing and resolution requirements under N.J.A.C. 13:2-2.1 et seq. related to the successful applicant / bidder.
7. The deposit of all unsuccessful bidder(s) shall be returned within ten days of the date of the award of the license(s).
 8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.
 9. The sale may be postponed or cancelled at any time prior to the opening of the bids.
 10. If the license has not been issued pursuant to this resolution within 6 months after the closing time and date for acceptance of applications specified in the notice), no license shall thereafter be issued without further resolution by the Township Council, determining to issue a new license.
 11. The successful bidder shall comply with all other provisions of *N.J.A. C.13:2-2.1 et seq.*, including, but not limited to publication of notice of application.

| Introduced | Seconded | Council | Aye | Nay | Abstain | Absent |
|------------|----------|----------|-----|-----|---------|--------|
| | | Kirsh | ✓ | | | |
| ✓ | | Norgalis | ✓ | | | |
| | | Pedroso | ✓ | | | |
| | ✓ | Ring | ✓ | | | |
| | | Kurdyla | | | ✓ | |

Adopted: October 3, 2022